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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

In re: NUANCHAN JOHNSON,	§	
a/k/a NUANCHAN J. JOHNSON	§	Case No. 10-46360-dml7
	§	Chapter 7
AURORA LOAN SERVICES, LLC	§	
Movant,	§	Hearing Date: November 9, 2010
vs.	§	Hearing Time: 9:30 a.m.
NUANCHAN JOHNSON, Debtor,	§	
and CAREY DALTON EBERT, Trustee,	§	
Respondents.	§	

MOTION FOR RELIEF FROM STAY OF ACT AGAINST PROPERTY

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

COMES NOW Movant, AURORA LOAN SERVICES, LLC, a secured creditor in this proceeding, and for its Motion for Relief from Stay of Act Against Property against NUANCHAN JOHNSON ("Debtor") and CAREY DALTON EBERT ("Trustee"), respectfully represents and moves as follows:

1. On OCTOBER 1, 2010, the Debtor filed her Petition in this case. CAREY DALTON EBERT is the Trustee in this case.
2. This Court has jurisdiction of this Motion by virtue of 11 U.S.C. §§ 103, 361, 362 and 28 U.S.C. §§ 1334, 157 and Bankruptcy Rule 9014.
3. Movant is the owner and holder of a claim herein, which is evidenced by that certain Note ("Note") executed by NUANCHAN JOHNSON AND SCOTT JOHNSON, dated MAY 12,

2006, in the original amount of \$1,244,600.00 and payable to the order of SIERRA PACIFIC MORTGAGE, INC., which is secured by a Deed of Trust ("Deed of Trust") covering certain real property located at 2401 W. DOVE ROAD, GRAPEVINE, TEXAS 76051 (the "property"). True and accurate copies of the Note and Deed of Trust are attached hereto and incorporated herein by this reference.

4. As of OCTOBER 7, 2010, the **approximate** payoff balance on the Note was \$1,554,136.80.

5. In addition, the Debtor is in default under the terms of the Note and Deed of Trust in that she has failed to make the monthly payments as due from DECEMBER 1, 2008 THROUGH OCTOBER 1, 2010. The Debtor has missed Twenty-Three payments (23) @ \$6,725.84, which totals \$154,694.32; late charges of \$661.65; collection costs of \$90.00; pre-petition attorney fees of \$2,318.65; less a suspense balance of (\$2,021.86). The total arrearage as of October 7, 2010 is \$159,786.48.

6. The Movant has not and cannot provide adequate protection of its interest in the Property covered by the Deed of Trust. Consequently, relief from the automatic stay should be granted because Movant lacks adequate protection of its interest in the property.


7. Movant has been required to retain the undersigned counsel to represent it and file and pursue this Motion in this Court as a result of Debtor default and Movant has incurred and is incurring attorney's fees and expenses and other costs and expenses for which the Debtor is liable pursuant to the provisions of the Note and applicable law in an amount not less than \$500.00, plus actual expenses associated with filing this Motion.

WHEREFORE, PREMISES CONSIDERED, Movant respectfully requests that, upon

hearing of this Motion, the automatic stay be terminated as to Movant, its successors or assigns, to permit a non-judicial foreclosure sale of the above-described property under the terms of the Deed of Trust and to pursue other available state law remedies to the exclusion of the Debtor; or, in the alternative, that any continuation of the automatic stay be conditioned upon the Debtor furnishing to Movant adequate protection, including but not limited to, payment of all past due arrearage, attorneys' fees, costs and expenses; and that the Court grant such other and further relief as is just and equitable.

Signed: October 13, 2010

Respectfully Submitted,


/s/ Michael J. Schroeder
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Carrollton, Texas 75007
Telephone (972) 394-3086
Facsimile: (972) 394-1263
ATTORNEYS FOR MOVANT

CERTIFICATE OF CONFERENCE


Pursuant to local bankruptcy rules, I hereby certify that on the 13th day of October, 2010, I:

- x contacted Debtor's attorney and was advised that there is no opposition to the Motion;
- contacted Debtor's attorney and was advised that there is opposition to the Motion;
- contacted Debtor's attorney, who was unable to advise whether the Motion would or would not be opposed;
- attempted to contact Debtor's attorney to discuss the Motion, but my telephone messages of _____ have not been returned as of this date; or
- was unable to contact the Pro Se Debtor(s) because no telephone number is available.


/s/ Michael J. Schroeder
Michael J. Schroeder

NOTICE TO THE TRUSTEE, DEBTOR(S) AND COUNSEL

PURSUANT TO THE PROVISIONS OF LOCAL BANKRUPTCY RULE 4001 (A), YOU MAY WISH TO FILE AN ANSWER TO THIS MOTION WITHIN TWELVE (12) DAYS OF THE SERVICE OF THIS MOTION. ANY ANSWER SHALL INCLUDE A DETAILED AND COMPREHENSIVE STATEMENT AS TO HOW THE MOVANT CAN BE "ADEQUATELY PROTECTED" IF THE AUTOMATIC STAY IS TO CONTINUE. THE FAILURE TO TIMELY FILE AN ANSWER AS REQUIRED MAY RESULT IN THE GRANTING OF THE MOTION BY DEFAULT. IN ADDITION, PURSUANT TO THE PROVISIONS OF LOCAL BANKRUPTCY RULE 4001(E) EVIDENCE BY AFFIDAVIT MAY BE CONSIDERED AT ANY PRELIMINARY HEARING ON THIS MOTION. ANY EVIDENTIARY AFFIDAVIT FILED BY YOU IN RESPONSE TO THIS MOTION MUST BE SERVED UPON THE ABOVE-NAMED ATTORNEY AT THE ABOVE ADDRESS AT LEAST FORTY-EIGHT (48) HOURS IN ADVANCE OF ANY PRELIMINARY HEARING ON THIS MOTION.


/s/ Michael J. Schroeder
Michael J. Schroeder

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was deposited in a U.S. mail receptacle or electronically mailed to the attention of the following persons on October 13, 2010.


Debtor:
NUANCHAN JOHNSON
2401 W. DOVE RD.
GRAPEVINE, TX 76051

SCOTT JOHNSON
2401 W. DOVE RD.
GRAPEVINE, TX 76051

Trustee:
CAREY DALTON EBERT
1726 CHADWOCK CR., STE 100
HURST, TX 76054

DebtorAttorney:
WILLIAM F. KUNOFSKY
10300 N. CENTRAL EXPWY., STE 252
DALLAS, TX 75231
Certified Mail, Return Receipt Requested

U.S. TRUSTEE:
WILLIAM NEARY
1100 COMMERCE STREET, ROOM 9C60
DALLAS, TEXAS 75202


/s/ Michael J. Schroeder
Michael J. Schroeder

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